

RULE I

MEETING OF THE BOARD:

- SECTION 1: The board shall hold one regular meeting within each quarterly period of the calendar year. The board shall hold such special meetings as may be called by the chairperson or as provided in Revised Statute 33:2471, et seq.
- SECTION 2: Unless otherwise provided in the notice for such meetings, all meetings shall be held at Baker City Hall Council Chambers.
- SECTION 3: Notice of regular meetings shall be given by posting such notice in the City Hall, not less than five (5) days before the date fixed for such meeting, unless otherwise provided by law. Such notice shall state whether the meeting is regular or special, and shall include the date, time, place and agenda of the meeting, provided that upon approval of two-thirds of the members present at a meeting of a public body, the public body may take up the matter not on the agenda.
- Notice shall be mailed to the Chief of Police, Fire Chief, Mayor and City Attorney. If notice is less than five days (i.e. a special meeting) before the date fixed for the meeting, the Chief of Police, Fire Chief, Mayor and City Attorney shall be notified by telephone of the date, time and place of the meeting and furnished with the agenda via fax to the number provided by them to the Board.
- SECTION 4: Special meetings of the board will be held only upon call of the chairperson, or in such absence the Vice-chairperson, or as provided by Act 282.
- SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session. Four board members must be present in order to conduct business.
- SECTION 6: All board members must be notified not less than five (5) days preceding all regular board meetings. Special Meetings may be held upon twenty-four hour notice, as provided by law.
- SECTION 7: Four members of the board must be present to constitute a quorum of the board. Concurring votes of three members are necessary for decision of all matters before the board.

RULE II

SUBJECT MATTER OF MEETINGS:

SECTION 1: At regular meetings of the board it shall consider all old and new business which may be brought to its attention in the manner hereinafter provided.

SECTION 2: At special meetings the board shall consider only those items of business for which meeting was called, except by agreement of two-thirds of the board members, other matters may be considered.

RULE III

ORDER OF BUSINESS:

SECTION 1: At regular meetings the order of business shall be as follows:

1. Reading of the minutes
2. Special and general reports
3. Decisions and orders on matters considered at previous hearings and meetings.
4. New business.

SECTION 2: At special meetings the order of business shall be as follows:

1. Reading of minutes
2. Decisions and orders on matters considered at previous hearings and meetings
3. Hearing of matters previously fixed for the special meeting.

RULE IV

EXECUTIVE SESSIONS:

SECTION 1: The board, if required, will meet in executive session during regular or special meetings, by two thirds vote of those present when considering those matters which may be discussed under provisions of Revised Statute 42:4.1, (relative to public meetings) and those statutes that follow. Any voting on matters discussed in executive sessions will be conducted upon return to public meeting.

RULE V**APPLICATION FOR APPEALS AND HEARINGS:**

- SECTION 1: Any person authorized to appeal to the board under the provisions of the Civil Service Law may apply for such an appeal by a written notice giving a clear and concise statement of the action complained against, the basis of the appeal, and the relief sought. Application for appeals to the board under the provisions of Sect. 2561 of the Civil Service Act shall be made only by regular employees in the classified service and shall be limited to matters involving discharge, corrective or disciplinary action and the application shall so state. All other request for hearings shall set forth the section of the Civil Service Act under which the application is brought and shall contain a statement of the jurisdiction of the board. All applications for appeals and other hearings must be signed by the applicant or his counsel, if any, and must give the full name and post office address of the appellant and of his counsel. Written notice shall be filed with the chairperson of the board or the board official so designated to receive such applications.
- SECTION 2: No appeal shall be effective unless the above stated notice is filed within fifteen (15) days following the action complained against, or where written notice is given of an action to be thereafter effective, within the fifteen (15) days following the date on which such written notice is given.
- SECTION 3: The secretary of the board shall cause the date of filing to be noted on each notice of appeal and shall file said appeal on the appeals docket, giving the said appeal an appropriate title.

RULE VI**PROCEDURE ON APPEALS:**

- SECTION 1: All hearings on appeals shall be open to the public.
- SECTION 2: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by more than one attorney, only one attorney for any party shall be permitted to examine the same witness.

- SECTION 3: The rules of evidence as applied in civil trials before the courts of this state need not be strictly complied with, but the board shall limit evidence to matters having a reasonable relevance to the issues before the board. The burden of proof, as to the facts, shall be on the appointing authority except in those cases where the employee alleges discrimination based on political or religious beliefs, sex, or race.
- SECTION 4: Parties and witnesses shall be subject to cross-examination as in civil trials. The board looks with favor upon stipulations of undisputed facts. The appointing authority shall be first to present evidence and testimony followed by the evidence and testimony of the appellant. Board members may ask questions of witnesses. The Board may wish to have the appellant go first if the basis of the appeal is an allegation(s) of discrimination.
- SECTION 5: The board may, on request of any party or on its own motion, place witnesses other than parties under the rule of the board and thus exclude them from the hearing room.
- SECTION 6: Any party desiring the issuance of a subpoena for the attendance of a witness or the production of books or papers must apply for appropriate order, to the board, in writing at least eight(8) days before the time fixed for the hearing. If a party requests more than four (4) subpoenas, he must state in writing the purpose of the subpoena and what evidence or testimony is sought by issuance of the subpoenas. The Board will determine if such subpoenas are necessary and direct the issuance of same. Any fees incurred by the Board because of the issuance of subpoenas will be reimbursed by the requesting party.
- SECTION 7: The written rules, regulations, and procedures of the civil service board and Act 282 will be the basis of all hearings and appeals.
- SECTION 8: When an appeal is taken by an employee in the classified service pursuant to R.S. 33:2501 and the Board determines, in reversing the decision of the appointing authority, that the corrective or disciplinary action taken by the appointing authority was without just cause as provided in R.S. 33:2501, the board may award to the appealing employee attorney fees to be assessed against the appointing authority not to exceed one thousand dollars in any one appeal.

RULE VII**DISMISSAL OF APPEALS:**

SECTION 1: If the appellant fails to appear at the place and time fixed for any hearing, his appeal may be dismissed or the board may, in its discretion, continue the case or proceed with the hearing and render its decision upon such evidence as may be adduced at the hearing.

RULE VIII**TRANSCRIPTS OF HEARINGS:**

SECTION 1: The Board shall maintain a tape of all meetings and hearings for a period of five years. If any person requests a transcript of a meeting or a hearing, the Board shall provide the tape to a certified court reporter selected by and at the expense of the party requesting the transcript for transcription.

RULE IX**OTHER HEARINGS:**

SECTION 1: All other hearings of the board shall be instituted and shall be conducted in accordance with the above and foregoing rules and Civil Service Law in general.

RULE X**APPLICATION FOR ADMISSION TO TEST:**

SECTION 1: Test for entry upon promotional and competitive employment list shall be advertised for and administered in accordance with Louisiana Revised Statute 33:2552. Test for entrance upon competitive employment list may be given as the needs of the service require as determined by the civil service board. Test for entry upon promotional employment list may be given after existing list is twelve (12) months old and not yet expired and shall be given at least one time during each successive period of eighteen months.

SECTION 2: Applications for admission to tests on board approved forms, will be received by those

individuals designated by the board at any time before final date for receiving applications. Approved applicants will be notified at least five (5) days in advance of the date fixed for the exam. Individuals designated to receive applications will forward such applications to the board secretary and shall be kept as a permanent record of the board in accordance with Civil Service Act.

SECTION 3: Promotional and competitive employment lists shall be maintained by the board for eighteen (18) months.

SECTION 4: Admission to tests shall be governed by provisions of Section 2493 of the Civil Service Act and the qualification requirements of the classification plan. In the event of a demonstrated need for an eligibility list, the board may waive any requirements in the classification plan in order to establish a qualified pool of applicants for testing. A demonstrated need is established when an active provisional appointment exists in the classification to be tested and it is anticipated that an adequate list cannot be established under existing rules.

SECTION 5: When results of any examination are furnished to the board by the State Examiner, the chairperson shall forthwith call the board for a special meeting for approval thereof. Employment list shall become effective upon approval of and by a majority of the board and filing of the same by the board with the State Examiner.

RULE XI

DISTRIBUTION OF BOARD RULES:

SECTION 1: One copy of the board rules shall be distributed to each board member, governing body one copy, police chief and fire chief one copy, and police and fire bulletin boards one copy.

SECTION 2: A copy of the board rules shall be given on request to an appellant or his counsel prior to a hearing.

RULE XII

LEAVES OF ABSENCE, HOLIDAYS, AND BOARD RULES:

SECTION 1: Leaves of Absence--Police and Fire

A. Leaves of absence are classified as follows:

1. Leave of absence with pay
2. Leave of absence without pay
3. Absence without leave and pay

B. Sick leave:

1. Each employee of the classified service shall be entitled to and given, with full pay, sick leave aggregating not less than fifty-two (52) weeks during any calendar year for any sickness or injury or incapacity not brought about by his/her own negligence or culpable indiscretion. Any employee of the classified service who draws such full pay during sick leave shall have such pay decreased by the amount of workman's compensation benefits actually received by such employee. Classification of leave of absence for the forementioned will be "leave of absence with pay."
2. Sick leave may not be used for absences incurred because of attendance to personal affairs.
3. No member shall malingering, feign illness, nor attempt to shirk his duties by a false report of illness to his supervisor.
4. When an employee of the classified service is ill and cannot report for duty, it is his/her responsibility to notify the supervisor or the person designated by the chief of the department not later than thirty (30) minutes prior to the start of the assigned duty period. Failure to call, without justifiable cause, as indicated above, will result in the forfeit of pay, as it is classified as "absence without leave and pay," for the duration of time the employee did not call in.
5. The employee that is sick shall not leave his residence during his scheduled tour of duty except for the following reasons:
 - a. For a visit to the doctor.
 - b. To obtain medication.
 - c. To go to and from the hospital or other facilities of health care providers.

Anytime a member on sick leave must leave his residence he must notify the Assistant Chief, Supervisor, or designee on duty, and give the reason for his leaving; where he is going; and when he is expected to return.

It is the responsibility of the Assistant Chief, Supervisor, or designee on duty to make spot checks on any member that is on sick leave. The Assistant Chief, Supervisor, or designee on duty shall do this by telephone, or personal visit, or by both to verify that the member is at the appropriate place and is abiding by these Sick Leave Regulations. The time of these calls and visits will be listed in the Daily Radio Log kept at Headquarters.

6. Sick leave is applicable to maternity claims. Maternity leave commences when a doctor certifies that the employee cannot perform all of the duties of her position and light duty within her classification is not available.
7. Any member who is absent from work for more than three (3) days or beyond the stated return to work date due to illness, must turn in a report from the attending physician stating any lasting effects of the illness when the member is back on duty, any medications that may effect the performance of the member while on duty in the areas of safety to himself, his fellow employees and to the public. The date of return to duty will also be given. The above information will give the Chief or the person designated by the Chief the needed information to make an intelligent decision as to whether or not the member should operate apparatus, equipment, or perform some of the hazardous duties necessary. Only the Chief or his designee is in the position to make an informed decision based on his knowledge of the work and what each duty involves.

For failure to produce a doctor's certificate for any illness over three (3) days, the employee will be classified as "absent without leave and pay." Should any employee of the classified service abnormally absent himself/herself before or after his/her scheduled days off, or at any other time, he/she will be required to

submit a doctor's certificate should the
absence be for only one (1) calendar day.

8. Anything not covered in this policy will be left to the discretion of the Chief and the Mayor who is the Appointing Authority.
9. Effective July 1, 1994, the Baker Fire and Police employee's covered by the state's statutory (52 week) sick leave policy will no longer accrue sick leave for use currently or at retirement. All sick leave accumulated as of this date will be paid according to the Municipal Civil Service Rule 7, Section 2.6 and newly adopted Rule which states:

All accumulated sick leave shall be forfeited upon termination of employment with the City of Baker under all conditions of termination, with the following exceptions:

- a. If an employee is laid off due to a reduction in work force, and through no fault of his own, he/she shall remain on the payroll until such time as accumulated unused sick leave at the time of the lay off, is exhausted, not to exceed 360 days, or be paid in lump sum.
- b. If an employee retires at normal retirement age in accordance with the Louisiana Municipal Retirement System, Firefighters' Retirement System, and Municipal Police Employee's Retirement System, he/she may apply to the Appointing Authority for a lump sum payment of accumulated unused sick leave. This payment may be granted if the City has sufficient funds to do so. If no lump sum payment is made, the employee will be considered on leave of absence with pay for the period of their accumulated and unused sick leave prior to the date of retirement.
- c. In the event of the death of an employee, lump sum payment of accumulated and unused sick leave, not to exceed 360 days, shall be made to the beneficiary of the employee.
- d. In the event that an employee in good standing gives the City of Baker two (2) weeks notice of his/her intent to

resign, the accumulated sick leave, not exceeding 360 days, shall be paid in lump sum or over and extended period, as continued payroll, at the option of the City of Baker.

An employee who is terminated for just cause or who resigns without giving two weeks prior notice, shall not be paid or compensated for accumulated sick leave.

C. Funeral Leave

1. At the death of an employee's parent, spouse, child or spouse's child, a three (3) day funeral leave shall be granted. The three day leave will consist of seventy-two hours encompassing the funeral.

A one (1) day leave of absence with pay will be granted to attend funerals of "Immediate relatives" of employees. "Immediate relatives" will include brother, sister, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, niece, nephew, grandparent, grandchild and step-parent (if currently married to or is the widow or widower of the employee's parent). If the "Immediate relative's" funeral service is in East Baton Rouge Parish or an adjoining parish, a one (1) day leave shall be granted, if the funeral service is within the state of Louisiana but outside of East Baton Rouge Parish or an adjoining parish, a two (2) day leave shall be granted. In the case of extenuating circumstances, the leave for any funeral may be extended to three (3) days, if approved by the Appointing Authority.

A one (1) day leave of absence with pay shall be granted to attend funerals of the employee's spouse's relatives, defined as "other relatives." "Other relatives" shall be limited to spouse's aunt, uncle, grandparent, niece and nephew.

2. If an employee of the classified service has a death in his/her immediate family and cannot report for duty, it is his/her responsibility to notify the supervisor or the person designated by the chief of the

department not later than two (2) hours
before he is scheduled to report to duty.

D. Examinations

Each employee of the classified service will be granted "leave of absence with pay" to take any municipal fire and police civil service examination.

Provisional employees are granted "leave of absence with pay" to take a municipal fire and police civil service examination for the class that they hold provisionally.

E. Civil Leave

Absence because of jury duty is "leave of absence with pay." However, the jury notice must be presented to the chief of the department or to the person designated by the chief to receive such notice at least five (5) days in advance of such jury duty. An employee shall be authorized to take leave time when performing jury duty, when subpoenaed to appear before a court, public body, or commission, or when performing emergency or civilian duty in connection with national defense. The city will pay the difference between pay earned for the special duty and the employee's regular pay from the city.

F. Military Leave with Pay

An employee shall be authorized to take leave without loss of pay or vacation leave time when performing emergency military duty or participating in the two-week annual training duty required by membership in a reserve unit of the U.S. Armed Forces or the Louisiana National Guard, for a maximum of fifteen (15) work days. During the fifteen (15) work days, the city will pay the difference between pay earned for the special duty, if less, and the employee's regular pay from the city. Each member of the classified service shall give such notice of ordered duty at least thirty (30) days in advance to the chief of the department and this board, if known by him. Should the employee be called out on an emergency basis, he should contact his supervisor, the chief of the department, or the person designated by him to receive such notice.

G. Military Leave without Pay

Any member of the classified service called into the Armed Forces, will be carried on military leave without pay until he returns to duty. The

employee is required to notify the chief of the department or the person designated by him to receive such notice and this board when he receives such notice.

Any regular and permanent member of the classified service who is called into the Armed Forces will be allowed to take whatever annual leave to which the employee may be entitled.

Provisional employees will not be granted a military leave of absence. They shall be required to resign or be dropped from service.

Any member of the classified service who is a member of the National Guard or in the Reserves of the Armed Forces, upon being ordered to active duty, shall be given any leave due the employee in Section F. Should the employee have used all leave to which he is entitled (in Section F), he shall be granted military leave without pay.

In the absence of any employee on military leave, the appointing authority may expand the number of positions in the respective class to protect the rights of those employees filling the position. The appointing authority may make a probational rather than a substitute appointment to fill the position of the employee on military leave.

When the employee returns from military leave the appointing authority may reduce the ranks of the respective class. If demotions are necessary any employee regularly appointed shall have his name place on the reinstatement list for a period of four years.

If an employee in the civil service is reported as being on military leave of absence, the board secretary shall maintain a file of any testing notices for tests administered during the period the employee is on such leave. The employee shall be afforded the opportunity to take any tests for which he or she qualifies upon his or her return.

H. Personal Time Off

Each member of the classified service may apply to the chief of the department for personal time off when such time off will not exceed two (2) days and this leave is classified as "leave of absence without pay."

Any member of the classified service taking personal time off without applying for same shall be considered as "absent without leave or pay."

I. Annual Leave

1. Fire service annual leave shall be earned by regular employees based on continuous service as indicated in the following schedule;

(a) Employees with less than (1) one year service, employed prior to April 1st, with at least eight (8) months of continuous service, are entitled to one week vacation. Employees employed April 1st or later will not be entitled to a vacation in the current year.

(b) Employees with one (1) year or more, but less than (5) five years shall receive a vacation of two (2) weeks.

(c) Employees with (5) five years but less than (10) years shall receive a vacation of three (3) weeks.

(d) Employees with ten (10) years but less than (20) twenty years shall receive a vacation of four weeks.

(e) Employees with twenty (20) years or more shall receive a vacation of five (5) weeks.

(f) A week is interpreted as one normal work week as may be regularly worked by the employee involved. An employee will receive pay equivalent to his regular base straight time hourly rate earned during his normal work week.

2. Police service annual leave shall be earned by regular employees based on continuous service as indicated in the following schedule;

(a) Employees after having served (1) one year service, shall receive an annual vacation of eighty (80) working hours with full pay. (one-half () of annual vacation may be taken after the first six (6) months of employment.)

- (b) Employees after having served five (5) years service, shall receive an annual vacation of one hundred twenty (120) working hours with full pay.
 - (c) Employees after having served ten (10) years service, shall receive an annual vacation of one hundred sixty (160) working hours with full pay.
 - (d) Employees after having served twenty (20) years service shall receive an annual vacation of two hundred (200) working hours with full pay.
- 3. Vacation privileges provided shall not be forfeited for any cause, nor shall any vacation privileges be earned while an employee is on leave of absence without pay during suspension.
 - 4. Vacation leave may be divided into separate periods, not to exceed total accrued vacation leave time.
 - 5. Employees with the greatest departmental seniority will have priority on scheduling vacation.

J. Holidays

Each member of the classified service shall be granted "Leave of Absence with Pay" on the following legal holidays:

- 1. New Year's Day
- 2. Good Friday
- 3. Memorial Day (May 30)
- 4. Independence Day (July 4)
- 5. Labor Day
- 6. Veteran's Day (November 11)
- 7. Thanksgiving Day
- 8. Friday after Thanksgiving
- 9. Christmas Day
- 10. Martin Luther King's Birthday
- 11. Mardi Gras

Should a member of the classified service work assignment be such that the employee is scheduled to work on a legal holiday as set by this board, the employee will be paid an additional compensation of one times the normal rate of pay. When a holiday occurs on an employee's normal day off, the following work day will be considered the employee's holiday. However, governing authorities, at their option, may grant employees time off from work for which such additional compensation would be due and payable to said employees.

K. Administrative Leave

The appointing authority may grant administrative leave with pay for periods not to exceed thirty (30) days when circumstances develop that would warrant the removal of an employee from the department without disadvantage in order for the appointing authority to conduct an investigation concerning the conduct of the employee. This period may not be extended beyond thirty (30) days without notification of the civil service board.

L. Family Medical Leave

Refer to Family Medical Leave as adopted by the City.

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| BK | 06-24-72 | 03-10-97 |
| Rev | 10-07-75 | 03-05-98 |
| | 05-17-78 | 06-03-99 |
| | 09-25-78 | 09-30-99 |
| | 08-20-81 | 10-21-99 |
| | 04-13-94 | 01-03-02 |
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